

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

NAIMA URRUTIA,
Plaintiff
v.

WAL-MART STORES, INC. and
WAL-MART STORES EAST, LP
Defendant

CIVIL DIVISION

Civil Action No.:

3:18-cv-1254

Electronically Filed

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the Middle District of Pennsylvania

This Notice of Removal is filed by Defendant Wal-Mart Stores East, L.P. asserting as follows:

1. Plaintiffs initiated this action by filing a Complaint on May 21, 2018 with the Court of Common Pleas of Pike County, Pennsylvania. (See Complaint attached hereto as Exhibit "A".)

2. Wal-Mart Stores East, L.P. is a foreign limited partnership formed in Delaware with a principle place of business in Bentonville, Arkansas.

3. The Partners of Wal-Mart Stores East, L.P. are WSE Management, LLC (general partner) and WSE Investment, LLC (limited partner). Both are Delaware limited liability companies with principal places of business in Arkansas. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC, an Arkansas limited liability company with a principal place of business in Bentonville, Arkansas. The sole

shareholder of Wal-Mart Stores East, LLC is Wal-Mart Stores, Inc., a Delaware corporation with a principal place of business in Arkansas. Accordingly, no partner or controlling entity of Defendant Wal-Mart Stores East, L.P. is a citizen of or has a principal place of business in the Commonwealth of Pennsylvania.

4. Upon information and belief, at the time this action was initially commenced and at the current time, Plaintiff was and is a resident of Sparrow Bush, Orange County, New York.

5. The within case pertains to an alleged slip and fall which occurred on May 21, 2016 at a Wal-Mart retail store located at 220 Route 6 & 209 in Milford, Pike County, Pennsylvania.

6. The Complaint seeks an award in excess of the arbitration limits of Pike County (\$40,000), but no specific sum is demanded in the Complaint.

7. Among other injuries, it is understood that Plaintiff claims damages for serious, severe and painful injuries to and about her body, including but not limited to her left ankle requiring surgery, neck and back requiring multiple surgeries in her spine in the form of spinal injections, which may be permanent in nature. (*See* Paragraphs 11, 17 and 18 of Plaintiff's Complaint attached as Exhibit "A".)

8. Based on these alleged injuries and damages, via a telephone conversation on June 8, 2018, Plaintiff's counsel James Harris has advised the undersigned counsel that this case is valued in excess of \$75,000.00.

9. This Notice of Removal is filed within thirty (30) days after Defendant, Wal-Mart Stores East, L.P., was made apprised that the amount in controversy exceeded \$75,000, and within one (1) year of the commencement of this matter by Plaintiff on May 21, 2018 by the filing of the Initial Complaint; thus, it is timely filed pursuant to 28 U.S.C. §1446(b) (3) and (c).

10. As all of the parties to this action are diverse and the amount in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and this case may be removed to this Court by this Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

WHEREFORE, Defendant Wal-Mart Stores East, L.P. requests that this action now pending in the Court of Common Pleas of Pike County at No. 630 - 2018 – Civil be removed to this Honorable Court.

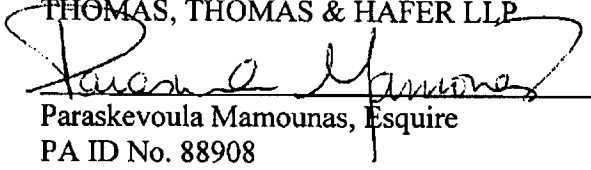
JURY TRIAL IS DEMANDED.

Respectfully submitted,

Date: 6/21/18

BY:

THOMAS, THOMAS & HAFFER LLP


Paraskevoula Mamounas, Esquire

PA ID No. 88908

pmamounas@tthlaw.com

1550 Pond Road, Suite 210

Allentown, PA 18104

Tel. (610) 332-7029

*Counsel for the Defendant
Wal-Mart Stores East, L.P.*